

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID WAYNE ELMORE,

Plaintiff, No. CIV S-04-2657 GEB PAN P

vs.

TOM L. CAREY, et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. § 1983.

On February 17, 2006, the court ordered the United States Marshal to serve the complaint on defendants. Process directed to defendant Franklin was returned unserved because "unable to locate." Plaintiff must provide additional information to serve this defendant. Plaintiff shall promptly seek such information through discovery, the California Public Records Act, Calif. Gov't. Code § 6250, et seq., or other means available to plaintiff. If access to the required information is denied or unreasonably delayed, plaintiff may seek judicial intervention.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to send to plaintiff one USM-285 forms, along with an instruction sheet and a copy of the amended complaint filed October 14, 2005;

2. Within sixty days from the date of this order, plaintiff shall complete and submit the attached Notice of Submission of Documents to the court, with the following documents:

- a. One completed USM-285 form for defendant Franklin;
 - b. Two copies of the endorsed complaint filed October 14, 2005; and
 - c. One completed summons form (if not previously provided)

or show good cause why he cannot provide such information.

DATED: September 7, 2006.

John F. Marullo
UNITED STATES MAGISTRATE JUDGE

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vs.

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NOTICE OF SUBMISSION

Defendants.

OF DOCUMENTS

order filed _____:

_____ completed summons form

_____ 1 completed USM-285 forms

_____ 2 copies of the October 14, 2005
Amended Complaint

DATED:

Plaintiff _____